

REMARKS

Claims 25, 26 and 28-50 were previously pending in the application. Claims 25, 26 and 28-50 remain unchanged. Reconsideration in view of the following remarks is respectfully requested.

The claims stand rejected under the cited prior art of record. Specifically, Claims 25, 26, 28, 29, 35, 36, 38-43 and 45-50 were rejected under 35 USC §102(b) as being anticipated by Geyer (WO 2002/50804). Claims 30, 33, 34 and 37 were rejected under 35 USC §103(a) as being unpatentable over Geyer. Claims 31 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Geyer in view of Becke et al. (U.S. Published Patent Application No. 2003/0209018). Claims 44 and 48 were rejected under 35 U.S.C. §103(a) as being unpatentable over Geyer in view of Evertzberg (EP 1 151 717).

Independent claim 25 defines a household appliance including a front door having an upper edge, and a front cover disposed in front of the front door. At least one optical status display device is mounted on the household appliance such that the one optical status display device is a selected one of hidden in a built-in state of the household appliance and hidden when the front door is closed. At least one light guide transmits a signal light emitted by the optical status display device. The Office Action contends that Geyer discloses these features of the invention. Applicants respectfully disagree with this conclusion.

The remarks from the Amendment filed April 30, 2009 are incorporated by reference. The Examiner contends that the body 10 in Geyer “is a means for admittance of the light guide . . . thus is ‘a front door of the device.’” The front door defined in claim 25, however, is a door to the appliance, providing access to an interior space of the appliance. A “door” or “means for admittance” to the light guide does not anticipate the claimed appliance front door.

In addition, the Examiner contends that reference to the front door being opened and closed to access an appliance interior space amounts to “a mere recitation of an intended use of the device,” and the Examiner disregards the language in the claim. According to the Federal Circuit, however, “the limitations which must be met by an anticipatory reference are those set forth in each statement of function . . . Such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a

device embodying the same general overall concept.” See, e.g., *RCA Corp. v. Applied Digital Data Sys., Inc.*, 730 F.2d 1440 (Fed. Cir. 1984). In the present context, no portion of the light guide provides access to the appliance interior space. As such, Applicants submit that the rejection is misplaced.

Moreover, even assuming the noted language in claim 25 at least partially embodies “an intended use of the device,” the Examiner entirely disregards underlying structural features of the recitation. At a minimum, reference to a front door being opened and closed to access an appliance interior space defines an interior space of the appliance. Additional structure resides in the interior space being opened and closed by the claimed front door. It is this front door that opens and closes to access the interior space of the appliance in front of which the front cover of the appliance is disposed. Indeed, no part of the “front door” 10 in Geyer is structurally openable or closeable, nor is the “front door” 10 opened and closed to access an appliance interior space. Applicants do not disagree that the Geyer appliance includes an interior space, but the light guide in Geyer is not in any manner disposed in cooperation with an appliance door or a front cover disposed in front of the appliance door. As such, the Geyer structure is not remotely faced with the same challenges with regard to an optical status display device that is hidden in a built-in state of the household appliance and/or hidden when the front door is closed. For these reasons also, Applicants submit that the rejection is misplaced.

Claim 50 defines related subject matter and in addition to those features noted above with regard to claim 25, claim 50 recites that the optical status display device is mounted on the front door and that the optical status display device emits different signal lights for respective different appliance statuses. With reference to the discussion in the Amendment filed April 30, 2009, at least these features of the invention are also lacking in the references of record.

The remaining rejected claims depend from claim 25, and Applicants submit that these claims are allowable for the same reasons and also because they recite additional patentable subject matter. Specific features of several dependent claims were discussed in the April 30, 2009 Amendment. Although the rejections are repeated from the previous Office Action, the Examiner does not address Applicants’ arguments with respect to these

dependent claims. It is unfair to Applicants to have to repeat these arguments and specifically request the Examiner's response, particularly when the Office Action that fails to address Applicants' arguments is made final by the Examiner.

Detailed arguments with regard to dependent claims 31 and 32 were also provided in the April 30 Amendment, which were not addressed by the Examiner. Rather, the Examiner merely repeats the rejection from the prior Office Action.

In order to provide a fair opportunity for Applicants to respond, possibly including amendments to include these patentable features in independent claims, Applicants respectfully request that the finality of the Office Action should be withdrawn.

Reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

In view of the above, consideration of the present response and allowance of Claims 25, 26 and 28-50 are respectfully requested. If the Examiner has any questions regarding this response, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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